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WATTA FIRST NAMED INVENTOR ARPHICATION NO. 7 FILING DATE ATTORNEY DOCKET NO. 2565-136P

002292 MM71/0327 B)RCH STEWART KOLASCH & BIRCH P 0 BOX 747 FALLS CHURCH VA 22040-0747

EXAMINER BUDD, M **ART UNIT** PAPER NUMBER 2834

DATE MAILED:

03/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

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		STATES OF ME		
APPLICATION NUMBER	FILING DATE	FIRST NAM	IED APPLICANT	ATTY. DOCKET NO.
				EXAMINER
				ART UNIT PAPER NUMBER
				DATE MAILED:
This is a communication fr COMMISSIONER OF PAT				
		OFFICE ACTION	SUMMARY	
Responsive to commun	ication(s) filed on	2-25-00	<u> </u>	
This action is FINAL.				
		lowance except for formal nate Quayle, 1935 D.C. 11; 4		to the merits is closed in
	mailing date of the	his communication. Failure	to respond within the pe	month(s), or thirty days, eriod for response will cause nder the provisions of 37 CFR
Disposition of Claims				
Claim(s)	23			is/are pending in the application.
Of the above, claim(s)	16	5-23		_is/are withdrawn from consideration.
Claim(e)				
Claim(s)	-15			
Claim(s)				is/are objected to.
Claim(s)			are subject	t to restriction or election requirement.
Application Papers				
	•	Patent Drawing Review, P		
 The proposed drawing of the specification is object. 	•			is 🗌 approved 📗 disapproved.
The oath or declaration	•			
– Priority under 35 U.S.C. § 1				
Acknowledgment is mad	le of a claim for fo	reign priority under 35 U.S.	C. § 119(a)-(d).	
All Some*	None of the CE	ERTIFIED copies of the prio	rity documents have be	en
	•	ode/Serial Number) tion from the International E	Bureau (PCT Rule 17.26	· a)).
*Certified copies not recei	ved:		,	
		omestic priority under 35 U.S		
Attachment(s)				
Notice of Reference Cite	ed. PTO-892			
Information Disclosure S	itatement/s\ PTO	-1449 Paner No(s)	(12-8-98)	
interview Summary, PTC		- 1773, rapel NU(S)(` ' ' ' /	
Notice of Draftnerson's		oview DTO 049		

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES--

☐ Notice of Informal Patent Application, PTO-152

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Art Unit: 2834

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are vague and indefinite in that only a single acoustic device is defined i.e. one upper electrode and one lower electrode, thus how can a pattern shape be changed by position. That is, if there were two resonators each could have different shape/area electrodes, but this situation does not exhist with only a single resonator. If the claim is meant to merely state that one of the electrode was trimmed during manufacture, this is unclear. Also, such a statement would be structurally meaningless to the finished article (which does not care how it was formed). Claim 4 is vague and indefinite in that it contradicts parent claim 1. How can a single electrode include a plurality of electrodes? In claim 7: what is an air bridge?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-15 (as understood) are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Vale, Many, Krishnaswarmy or Carson..

Further cited of interest are Weber and Suzuki (Thin film resonators); Fujiwara, Japan (804) and Japan (691) (electrode adjustment) and Wolfskill (fig. 7).

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Applicants traversal of the lack of unity of invention has been noted. Applicants state that each of claims 1, 15 and 16 contain the same special techincal feature" but have not actually identified such a feature. Thus the lack of unity holding is seen to be valid and remains.

Budd/dc March 22, 2000

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